

[28/7/2022]

प्रह्न सं. [क. 1067]

V.S. 1067 परिशिष्ट - 05

Western M P Infrastructure & Toll Roads Private Limited
Corporate Office: 513, 5th Floor, Khar Road, Kurla (W), Mumbai - 400 078
Tel: +91 22 66012323 • Fax: +91 22 66012300

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WMPITRPL/MPRDC/2020-21/1440

15th Feb. 2021

✓ To,
The Chief Engineer (BOT)
Madhya Pradesh Road Development Corporation Limited
45-A, Arera Hills, Bhopal, 462011

Subject: Development of Four Laning of Lebad-Jaora Road project 0+000 to 125+00 on (SH-31) on BOT Basis - Request for Modification In Concession Period as per article 29 of the Concession Agreement - Reg.

Ref:

1. Concessionaire Letter No. WMPITRPL/MPRDC/2020-21/1354 Dated: 29th Jun. 2020
2. Article 29 of the Concession Agreement.

Dear Sir,

This is with reference to the captioned subject and above mentioned letter, the Concessionaire would like to draw the attention of the Authority towards the above referred Article of the Concession Agreement.

The Project (Lebad-Jaora section) was awarded to the M/s. Western MP Infrastructure & Toll Roads Pvt Ltd. on BOT (Toll) basis for a Concession Period of 25 years. The Project got Final Completion (COD) on 30th October 2010 for 1st Homogeneous section from Km. 0.000 to 66.250 and 29th August 2011 for 2nd Homogeneous section from km. 66.250 to 124.150 and is in operational phase since then.

Salient Features & Key Dates of the Project

Sl. No.	Concession Covenant	Details
1	Concession Agreement (CA) Signing	30 th August 2007
2	Appointed Date	25 th February 2008
3	Financial Closure date	19 th March 2008
4	Construction Period	720 days
5	Scheduled Commercial Operations Date (SCOD)	14 th February 2010
6	Actual PCOD and Commencement of Toll fee Collection	25-Nov-2009 (Sec-I) & 04-Jun-2011 (Sec-II)
7	Final COD Achieved on	30-Oct-2010 (Sec-I) & 29-Aug-2011 (Sec-II)
8	Concession Period	25 Years
9	Concession Period end as per Agreement	24 th February 2033

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[SSE]

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Corporate Identity Number: U45203MH2007PTC173577

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Western M P Infrastructure & Toll Roads Private Limited

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10	Revise Concession period end as per MPRDC office order no 159/MPRDC/BOT/L-J/2020/7138 dated 3 rd Oct. 2020 (Additional 62.5 days (Demonetization period 22.5 days + 40 days for COVID-19)	27 th April, 2033 up to 12:00 Noon
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Pursuant to Clause 29.1 of Article 29, Part-III of Concession Agreement "MPRDC and the Concessionaire acknowledge that the traffic as on June 1, 2020 (the "Target Date") is estimated to be 26800 PCUs per day (the "Target Traffic"), and hereby agree that for determining the modifications to the Concession Period under this Article 29, the actual traffic on the Target Date shall be derived by computing the average of the traffic as determined by traffic sampling to be undertaken, in accordance with Clause 22.3, on the date that falls one year prior to the Target Date, (the "Actual Traffic"). For the avoidance of doubt, it is agreed that traffic sampling shall be undertaken for a continuous period of 7 (seven) days during anytime within 15 (fifteen) days prior to the date specified herein and the average thereof shall be deemed to be the actual traffic."

The Concessionaire has conducted the traffic survey for a period of 7 days at two locations (1) Km.41.500 (Near Chokkila Toll plaza) and (2) Km. 70.000 (Near Chikhliya toll Plaza) from 25th November 2019 to 1st December 2019 in presence of MPRDC officials and submitted detail traffic survey report vide letter no. WMPITRPL/MPRDC/2020-21/1354 dated 29th June 2020.

With reference to Clause no 29.2 Modification in the Concession Period produced as "Subject to the provisions of Clause 29.1.2, in the event Actual Traffic shall have fallen short of the Target Traffic, then for every 1% (one per cent) shortfall as compared to the Target Traffic, the Concession Period shall, subject to payment of Concession Fee in accordance with this Agreement, be increased by 1.5% (one point five per cent) thereof; provided that such increase in Concession Period shall not in any case exceed 20% (twenty per cent) of the Concession Period. For the avoidance of doubt, and by way of illustration, it is agreed that in the event of a shortfall of 10.6% (ten point six per cent) in Target Traffic, the Concession Period shall be increased by 15% (fifteen per cent) thereof."

As per the traffic survey report the current traffic is approximate of 18500 PCUs at Chokkila Toll plaza (Location-I) with 31.5% of traffic short fall and evaluated of increase of concession period of 44.60%. For location-II (Chikhliya) the traffic is 20000 PCUs with 25.7% of traffic short fall and increase in concession period of 36.40%. But referring to the clause 29.2.1 modification of Concession period shall not be exceed to 20% of the Concession period. Hence Maximum of 20% of increase in concession period will be applicable i.e. 25 years x 20% = 5 years.

In view of the above, the Concessionaire requests the Authority as per the Clause of the Concession Agreement, the Concessionaire is entitled to extension of the Concession Period. Hence, the Concessionaire requests to grant an extension of 5 years in the Concession Period.

This is without any prejudice to rights of Concessionaire under the Concession Agreement.



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Thanking and assuring you of our best attention at all times.

Yours Faithfully,

LPm 6/11/1522021

(Authorized Signatory)

For Western M P Infrastructure & Toll Roads Pvt. Ltd.

Enclosure:

1. Calculation of increase in Concession period
2. Traffic Survey report

Copy to:

1. PA to Managing Director, MPRDCL Bhopal, MP - For Information Please
2. Divisional Manager / Independent Engineer, MPRDC, Ujjain

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